

Reconsideration of the remaining claims is respectfully requested in view of the above amendments and the remarks below.

The examiner has rejected claims 1, 2 and 9 under 35 USC 102(b) as being anticipated by Niezink et al and claims 3, 4, 6, 7 and 10 under 35 USC 103 as being unpatentable over Niezink et al.

The Niezink patent is directed to a system which includes a "metering means" which injects a disinfectant along with a transponder implant. The metering means includes a reservoir 11 for the fluid and a pipe 8 leading from the reservoir 11 to the rear of a bore 9 extending through the push rod 4. A piston 12 is operable to meter a preset quantity of disinfectant from the reservoir 11 to the pipe 8 as a block 5 strikes a lever 14 during injection of the transponder implant. The metered quantity of disinfectant thus enters bore 9 in the push rod 4 and is said to enter the animal immediately behind the transponder implant. A concentric array of grooves 23 are provided in the push rod bore 9 to allow the fluid to flow around the push rod.

In applicant's invention, a separate trigger 65 or 81 is provided which operates a metering pump to force a predetermined quantity of disinfectant from a reservoir 61 or 75, respectively, upward through a tube 43 or 82, respectively, and into the perimeter of a special spray tip 51 which mates with the needle cannula 8. The spray tip 51 includes a concentric channel 45

which opens into a series of channels 52 which open directly into a needle matching bore 53 in the spray tip 51. Disinfectant is thus selectively injected directly into the needle upon manual operation of the pump 64 or the pump (not shown) operated by the push button 81.

Applicant's invention thus differs from the Niezink patent in a number of significant ways. While Niezink automatically injects a disinfectant dose with each operation of the push rod, applicant's disinfectant is injected selectively by the user. Niezink teaches forcing the disinfectant into the rear of the bore 9 in the push rod 4, thus requiring the fluid to travel the entire length of bore 9 in the push rod 4 before entering the needle 17, around the push rod 4 via the concentric grooves 23. By contrast, applicant's disinfectant is injected directly into the needle entrance 56 via the spray tip 51 which is a much more direct and effective way to get the fluid to the needle cannula and/or to the animal's wound than by forcing it through a bore in a push rod, as Niezink does.

The claims have been amended to emphasize these differences. More specifically, claim 1 has been amended to read:

"means for selectively dispensing liquid from said reservoir to said conduit independently of the implanting of the pellets".

As explained above, Niezink does not anticipate or make obvious the independent injection of disinfectant via a needle cannula of an implanter independently of the implanting of pellets. This is significant because, if desired, disinfectant can be selectively injected into the needle cannula only with every fifth or tenth pellet, for example, particularly where the goal is to disinfect the needle itself and not necessarily each animal's wound.

Claim 6 has been amended to read:

"a spray tip provided within said needle holder assembly, said spray tip being positioned to connect said conduit exit opening directly to the interior of said needle cannula such that disinfectant spray is distributed inside the needle cannula".

This is in considerable contrast to Niezink, which, as described above, injects the disinfectant via a tortuous path including a bore extending the length of the push rod which injects the transponders.

Claim 9 has been amended to read;

"operating said pump independently of the implanting of pellet(s) by the implanter apparatus to dispense a quantity of disinfectant from said reservoir to said needle cannula via said conduit".

The same remarks apply to method claim 9, as amended, as were directed to apparatus claim 1, as amended, above.

The examiner indicated claims 5, 8 and 11 as being allowable. Accordingly, new independent claims 12 and 16 have been added hereby. Claim 12 is claim 5 placed in independent format while claim 16 is claim 11 placed in independent format. These claims, as well as new claims 13-15 and 17 and 18, dependent thereon, respectively, should now be in condition for allowance.

Applicants have considered the additional prior art cited by the examiner, but not applied against the claims. The claims, as amended, are deemed to be patentable over these references as well.

The changes to the specification at page 9, lines 22 and 24 have been made to eliminate the double use of reference numeral 54, i.e. "entrance end 54" is now --entrance end 56--. In addition, a copy of drawing Fig. 3 with a proposed change indicated in red is included herewith. The examiner is requested to approve the proposed change. Formal drawings incorporating the change will be filed upon the issuance of a notice of allowance.

In view of the amendments contained herein and the above remarks, it is respectfully submitted that claims 1-18 are patentable over the prior art of record. Accordingly, the examiner is requested to issue an early notice of allowance indicating such.


In the event that the examiner is of the opinion that the prosecution of this application can be advanced thereby, he is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

C. Louis Grimm

By LITMAN, McMAHON & BROWN

By



John C. McMahon

Reg. No. 29,415

Attorney

GLB:sss

1200 Main, Suite 1600

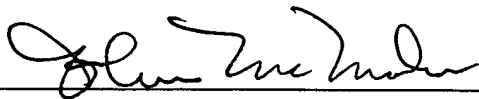
Kansas City, Missouri 64105

Phone: (816) 842-1590

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 19, 1998.

C. Louis Grimm  
(Applicant)

By



March 19, 1998

(Date of Signature)